FEDERAL PUBLIC DEFENDER

Suite 107, U.S. Courthouse 300 South Fourth Street Minneapolis, MN 55415 Phone: (612) 664-5858 Fax: (612) 664-5850

Instructions for Completing CJA 21 AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES

Updated January 12, 2006

CJA Attorneys - - Submit the forms directly to FPD Office for first review.

For Advance Authorization

Complete the following Boxes:

- 1-11 Complete it will be the same information that is on your CJA 20
- 12 Complete type of authorization requested, including dollar amount and hourly rate of expert. SIGNATURE, date, appointment status, mailing address of attorney and telephone number.
- 13 - Description and justification for services sought.
- 14 - Check type of service sought.
- 17 - Name, address and phone number of expert to be hired.

If Judge approves advance request, voucher will be sent to the Expert. When Expert has completed his/her services, he/she will complete the following Boxes:

- 16a-c Under "Amount Claimed" fill in the compensation, travel expenses and other expenses. Total "Amount Claimed" Attach a detailed invoice.
- 17 - List SSN# or TIN# (Tax Id No.), dates of service, check claim status SIGNATURE and date.

Forward to Attorney for SIGNATURE and date in Box 18. Attorney will then return voucher to FPD Office.

Please contact Lisa or Sandy at the Federal Defender's Office at 612-664-5859 if you have any questions completing expert forms.

ADVANCE APPROVAL (see also 18 USC 3006A(e))

<u>Under \$500</u> Advance approval not required. Costs are subject to subsequent

review by Court. CJA Form 21 must still be completed.

Up to \$1,600 Attorney completes Block 1-14 and forwards to FPD office.

Over \$1,600 Eighth Circuit approval is required **before** services exceed

\$1,600.

-- Attach a "Memorandum" form to the previously prepared CJA form (or a copy of the CJA form if the expert already has the original).

Be sure to include hourly rate of expert hired.

-- Send documents to FPD Office. We will submit them first for the District Court Judge or Magistrate Judge's approval and then

to Chief Judge Loken of the Eighth Circuit.

EXPENSES -- experts are subject to the same rules as apply to CJA attorneys.

CAUTIONARY NOTE: If advance approval is NOT obtained, the Court has no obligation to pay for the expert services. Obtain advance approval for expert services.

PRIOR LIMITS APPLY FOR SERVICES WHICH TOOK PLACE PRIOR TO 12/8/04:

Under \$300	Court approval not required. CJA Form 21 must still be completed.
Up to \$1,000	District Court advance approval required. CJA Form 21.
Over \$1,000	District Court and Circuit Court advance approval required. CJA
	Form 21 and Advance Approval Memorandum.

Spanish Interpreters

The Court will have an interpreter at in-court hearings.

You may choose an interpreter for meeting with your client at jail, etc.

Remember to use the CJA Form 21 for advance approval.

You may use an interpreter from the Clerk's Office Roster of Interpreters or from other sources.

The certified interpreters have passed the federal certification process.

Recommended rates for Spanish interpreters are:

Federally Certified Spanish interpreters = \$192/half day or \$355/full day.

Prior to 1/1/06 - Federally Certified Spanish interpreters = \$178/half day or \$329/full day.

Language skilled = \$92/half day or \$171/full day.

Prior to 1/1/06 - Language skilled = \$86/half day or \$156/full day.

A contract interpreter <u>cannot charge</u> for any half-day or full-day for which he or she is already receiving payment from another court unit.

Psychiatrists, Psychologists

The *Guide*, Vol VII, Chapter 3, ¶ 3.11 provides that CJA Funds may be requested to pay for psychiatric and related services obtained in accordance with subsection (e) of the CJA upon a determination that the services are "necessary for an adequate defense." These are "defense" services, where the defendant selects the expert and controls the disclosure of the expert's report. It is important to note that psychiatrists and related experts may be used in many circumstances in which payment is made from a source other than the CJA appropriation. In these situations the Court or the government selects the expert and persons other than the defendant also have access to the expert's report. The Department of Justice (DOJ) generally pays for these services.

SOURCE OF PAYMENT (see <i>Guide</i> , Vol VII, Chapter 3, ¶ 3.11	for most curren	t chart).
Type of Service	CJA	DOJ
To determine mental competency to stand trial, under 18 U.S.C. § 4241. a. Examination Costs		Yes, regardless of which party requests, including examination on court's own motion.
1 b. Testimony costs for examiner if called at hearing		Yes, regardless of which party calls.
1 c. Testimony costs for examiner if called at trial.	If witness appears on behalf of defense.	If witness appears on behalf of government.
2. To determine existence of insanity at time of offense, under		
§ 4242. 2 a. Examination costs		Yes
2 b. Testimony costs of examiner if called at trial.		Yes, regardless of which party calls.
3. To determine existence of insanity at time of offense, under CJA subsection (e). 3 a. Examination costs	Yes	
3 b. Testimony costs for examiner if called at trial	Yes	
4. To determine mental condition of hospitalized person found not guilty only by reason of insanity, under § 4243.	<u> </u>	L
4 a. Examination costs		Yes
4 b. Testimony costs for examiner if called at hearing.		Yes, regardless of which party calls.
5. To determine mental condition of convicted person suffering from mental disease or defect, under § 4244		•
5 a. Examination costs		Yes
5 b. Testimony costs for examiner if called at hearing.		Yes, regardless of which party calls.
6. To determine mental condition of imprisoned person under §4245		
a. Examination costs		Yes, including costs of additional examiner selected by imprisoned person in accordance with § 4247(b)
b. Testimony costs		Yes, regardless of which party calls, including additional examiner selected by imprisoned person in accordance with § 4247(b)
7. To determine mental condition of hospitalized person due for release, under $\S~4246$		
a. Examination costs		Yes, including costs of additional examiner selected by hospitalized person in accordance with § 4247(b)
b. Testimony costs for examiner if called at hearing		Yes, regardless of which party calls, including additional examiner selected by hospitalized person in accordance with § 4247(b)
8. Examination of a person in custody as a material witness		Yes, under all circumstances
9. Examination and testimony costs for expert witnesses not appointed under §§ 4241, 4242, 4243, 4244, 4245, 4246	If requested by the defense	If requested by the government, or if appointed as an independent expert on court's own motion under Fed. R. Evid. 706

SAMPLE MEMORANDUM

TO: Honorable James Loken

Chief Circuit Judge

United States Court of Appeals for the Eighth Circuit

FROM: CJA Panel Attorney's name

DATE: October 4, 2004

SUBJECT: Advance Authorization for Investigative, Expert, or

Other Services

It is requested that advance authorization be granted to obtain services in an amount in excess of the maximum allowed under the provisions of subsection (e)(3) of the Criminal Justice Act, 18 U.S.C. § 3006A, as follows:

Case Name & Designation: U.S. v. John Doe

Criminal No. 05-100(JMR/AJB)

Name of Expert or Investigator: Jane Smith

Address: 123 Maple Street

Minneapolis, MN 55415

(612) 000-0000

Type of Expert: Investigator

Reasons for Application:

In order to effectively represent my client in this matter, it is necessary to have the assistance of an investigator throughout the discovery phase, preparation for trial and trial. My client is one of nine defendants charged with 50 counts of drug conspiracy and possession of cocaine with intent to distribute.

This multiple count indictment was filed following a protracted wiretap by the government involving several residences. The government recorded hundreds of telephone conversations as depicted on over 100 cassette tapes and volumes of typed transcriptions. It is necessary for us to review the transcriptions and tapes in order to decipher the fact, or extent, of my client's involvement in the alleged conspiracy.

During the discovery process, it has become clear that there exist a number of individuals who will be used as witnesses by the government at the time of trial. It is imperative to my client's case to learn what, if any, evidence the government witnesses will testify to with respect to his involvement in the alleged conspiracy. I also need an investigator to uncover inconsistent versions of their stories, develop information for cross examination and develop motives for witnesses' testimony.

Advance Approval US v Doe Page 2

An investigator is necessary to locate and review additional records that may prove favorable to the defense and follow up with any necessary witness interviews that logically flow from the information obtained in the records.

I believe that the requested amount of \$4,000 (80 hours at \$50/hour) for investigative services in this case is required to effectively represent my client.

Estimated Compensation/Fee \$4,000.00 (including \$1,600 previously approved) (rate = \$50/hour)

I certify that the estimated compensa 3006A(e)(3) appears necessary to procharacter or duration and therefore ramount of \$	ovide fair compensation for services	s of an unusual
ARTHUR J. BOYLAN U.S. Magistrate Judge	DATE	
Advance authorization is hereby app \$	roved in the amount of	
JAMES LOKEN	DATE	

Chief Circuit Judge, United States Court of Appeals

MEMORANDUM

TO:	Honorable James Loken Chief Circuit Judge United States Court of Appeals for the Eighth Circuit	
FROM:		
DATE:		
SUBJECT:	Advance Authorization for Investigative, Expert, or Other Services	
of the maxim	I that advance authorization be granted to obtain services in an arum allowed under the provisions of subsection (e)(3) of the Crim 3006A, as follows:	
Case Name &	Criminal No	-
Name of Exp	ert or Investigator:	
Address:		
Type of Expe	ert:	
Reasons for A	Application:	
[insert narrati	ive explanation]	

Expert Request
US vPage 2
Hourly rate of expert \$
Estimated Compensation/Fee \$
I certify that the estimated compensation in excess of the maximum set forth in 18 U.S.C. § 3006A(e)(3) appears necessary to provide fair compensation for services of an unusual character or duration and therefore recommend approval of this advance authorization in the amount of \$
U.S. Magistrate or District Judge
Advance authorization is hereby approved in the amount of \$
James Loken DATE Chief Circuit Judge, United States Court of Appeals

SCJA 21 AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES (Rev. 12/03)	CJA 21 AU	THORIZATION	AND VOUCHER	R FOR EXPERT AND	OTHER SERVICES	(Rev. 12/03)
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1. CIR./DIST./ DIV. CODE	2. PERSO	ON REPRESENTED	`	,			VOUCHER NUMI	BER		
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11. OFFENSE(S) CHARGED (Cite	11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offer							severity of o	ffense.	
		REQUEST AND AUTHORIZ	ZATIO	N FOR	EX	(PERT	Γ SERVICES			
☐ Authorization to obtain the ser ☐ Approval of services already of excluding expenses) Signature of Attorney ☐ I	erson represe vice. Estima btained to be	ented, who is named above, I hereby affirm that ted Compensation and Expenses: \$	at the service Criminal Ju	ces requeste ustice Act.	(Not	e necessar	ry for adequate represe _ OR authorization should be Date			
			-	Telephon						
13. DESCRIPTION OF AND JUST	IFICATION	I FOR SERVICES (See Instructions)			01 02 03	☐ Inv	F SERVICE PROVII restigator erpreter/Translator /chologist /chiatrist		16 17	Other Medical Voice/Audio Analyst Hair/Fiber Expert Computer (Hardware/
15. COURT ORDER					05	☐ Pol	ygraph		_	Software/Systems)
Financial eligibility of the person represented having been established to the Court's satisfaction, th authorization requested in Item 12 is hereby granted.					06 07 08 09	Fin Acc	cuments Examiner gerprint Analyst countant .LR (Westlaw/Lexis, et			
Signature of Presiding Judge or By	Order of the	Court			10 11		emist/Toxicologist Ilistics		23 🔲	Duplication Services (See Instructions)
Date of Order Repayment or partial repayment ord ☐ YES ☐ NO	ered from th	Nunc Pro Tunc Date e person represented for this service at time o	of authorizat			☐ We	eapons/Firearms/Explo hologist/Medical Exan		24 🗆	
CLAI	M FOR	SERVICES AND EXPENSES	S				FOI	R COUR	T USI	E ONLY
		EXPENSES ervices with dates)	AMC	OUNT CL	AIN	1ED	MATH/TECH ADJUSTED A			ADDITIONAL REVIEW
a. Compensation		,								
b. Travel Expenses (lodging, par	king, meals	, mileage, etc.)							₩	
c. Other Expenses GRAND TOTALS (CL	AIMED	AND ADJUSTED):							 	
17. PAYEE'S NAME AND MAILI	NG ADDR	ESS	-							
CLAIMANT'S CERTIFICATI	ON FOR F	PERIOD OF SERVICE FROM		Те	•	one Nu	mber:			
CLAIM STATUS	☐ Final	Payment	her				□s	upplemental	Pavmen	t
		res rendered and is correct, and that I have not	· · · · ·	received pa	ymer	nt (compe			•	
Signature of Claimant/Payee							Date			
18. CERTIFICATION OF ATTORN Signature of Attorney	NEY I here	by certify that the services were rendered f	for this cas	se.			Date			
		APPROVED FOR PAY	MENT	CO	ΙΙD	т псі				
19. TOTAL COMPENSATION	20.		OTHER:			1 051	T	MOUNT AP	PROVE	ED/CERTIFIED
_	btained, bu	t in the interest of justice the Court finds th					cessary services could	l not await pi	rior auth	orization, even though
Sign	nature of P	residing Judge			Dat	te			Jude	ge Code
24. TOTAL COMPENSATION			OTHER :	EXPENSE			27. TOTAL A	MOUNT AP		·
28. PAYMENT APPROVED IN EX	CESS OF	THE STATUTORY THRESHOLD UNDE	ER 18 U.S.	C. § 3006	A(e)(3)	•			
Signature of Chief	Judge, Co	ourt of Appeals (or Delegate)			Dat	te			Jude	ge Code

SAMPLE ADVANCE APPROVAL REQUEST

©CJA 21 AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES (Rev. 12/03)

1. CIR./DIST./ DIV. CODE	2. PERSO	ON REPRESENTED					VOUCHER NUM	BER			
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3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 05-100 JMR/AJB	5.	. APPEA	LS DI	KT./DEF	. NUMBER	6. OTHER	DKT. NUMBER		
7. IN CASE/MATTER OF (Case N	ame)	8. PAYMENT CATEGORY					RESENTED		ESENTATION TYPE		
US V DOE		X Felony ☐ Petty Offe ☐ Misdemeanor ☐ Other ☐ Appeal	ense X	Juver	ile D	endant efendan	1.1	,	nstructions) ninal Case CC		
		Title & Section) If more than one offens	se, list (up t					severity of o	ffense.		
18 USC 922(g)(2) Felon in			IZ ATIO	N EOI) EX	ZDEDZ	E CEDVICEC				
12. ATTORNEY'S STATEMENT		REQUEST AND AUTHORI	<u>IZATIO</u>	N FUI	X E2	YPEK.	I SERVICES				
x Authorization to obtain t	he service	amed above, I hereby affirm that the service Estimated Compensation \$ paid for by the United States pursuant to the	1 600	at \$50/	hour		OR		services in excess of \$300,		
Signature of Attorney pane	l attorney s	igns here					Date	00/00/0000			
	Panel Atto st Name, M	rney ☐ Retained Attorney [.I., Last Name, including any suffix), ANI	☐ Pro-Se D MAILIN			ıl Organiz	ration				
Be sure to fill in name and ac	ldress										
12 DESCRIPTION OF AND HIST	IFIC A TION	FOR SERVICES (See Instructions)		Telepho			F SERVICE PROVI	612) xxx-x	XXX		
		· · · · · · · · · · · · · · · · · · ·			14.	TYPEO	F SERVICE PROVI	DEK			
Factual investigation for de	fense pur	poses.			01 02		estigator erpreter/Translator		15 ☐ Other Medical16 ☐ Voice/Audio Analys		
					03	☐ Psy	chologist		17 Hair/Fiber Expert		
15. COURT ORDER					04 05		vchiatrist ygraph		18 Computer (Hardwar Software/Systems)		
Financial eligibility of the person re	presented ha	ving been established to the Court's satisfact	ction, the		06 07		cuments Examiner agerprint Analyst		19 Paralegal Services 20 Legal Analyst/Const		
authorization requested in Îtem 12 is	hereby grai	nted.			08	☐ Ac	countant		21		
Signature of Presiding Judge or By 0	Order of the	Court			09 10		.LR (Westlaw/Lexis, e emist/Toxicologist		 22		
Date of Order		Nunc Pro Tunc Date			11 13	☐ Ba	llistics apons/Firearms/Explo	sive Expert	(See Instructions) 24 □ Other (Specify)		
Repayment or partial repayment ord	ered from th	e person represented for this service at time	of authoriza	ition.	14		hologist/Medical Exam		24 Unici (Specify)		
☐ YES ☐ NO					<u> </u>		FOI	COUD	THE ONLY		
16.							MATH/TECH		ADDITIONAL		
SERVICES AND EXPENSES	,,		AMO	OUNT C	LAIN	MED	ADJUSTED A		REVIEW		
a. Compensation b. Travel Expenses (lodging, par.											
c. Other Expenses											
GRAND TOTALS (CL 17. PAYEE'S NAME AND MAILI Blue Moon Detective Agency							l				
123 Main Street Anywhere, MN 55415				T	IN:	4	1-xxxxxxx				
Anywhere, MIN 55415				Т	elenh	one Nu	mber·	(612) x	XX-XXXX		
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CLAIMANT'S CERTIFICATI	ON FOR P	ERIOD OF SERVICE FROM					ТО				
CLAIM STATUS	☐ Final	Payment	nber				s	upplemental	Payment		
I hereby certify that the above claim services.	is for service	es rendered and is correct, and that I have no	ot sought or	received p	ayme	nt (compe	nsation or anything of	value) from a	ny other source for these		
Signature of Claimant/Payee							Data				
		by certify that the services were rendered	l for this cas	se.			Date _				
The state of the s	I HOTC	., see gerriees were rendered									
Signature of Attorney							Date				
		APPROVED FOR PAY	YMENT	_ cc	OUR	T USI	E ONLY				
19. TOTAL COMPENSATION	20.	TRAVEL EXPENSES 21	1. OTHER	EXPENS	SES		22. TOTAL A	MOUNT AP	PROVED/CERTIFIED		
	btained, bu	hese services does not exceed \$300, or pr t in the interest of justice the Court finds t 300.					cessary services could	l not await pr	rior authorization, even thoug		
Sian	ature of D	residing Judge			Dat	te			Judge Code		
24. TOTAL COMPENSATION			6. OTHER	EXPENS			27. TOTAL A	MOUNT AP			
	CESS OF	THE STATUTORY THRESHOLD UND	ER 18 U.S.	.C. § 300	6A(e)((3)					
							<u> </u>				
Signature of Chief	Judge, Co	ourt of Appeals (or Delegate)			Dat	te	_		Judge Code		

SAMPLE FINAL PAYMENT REQUEST

©CJA 21 AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES (Rev. 12/03)

1. CIR./DIST./ DIV. CODE	2. PERSO	ON REPRESENTED	· ·				Ţ	VOUCHER NUM	BER			
MNX	JOH	N DOE					# WAS OR WILL BE INSERTED BY FPD					
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 05-100 JMR/AJB		5. APPEA	LS D	KT./D	EF.	NUMBER	6. OTHER	DKT.	NUMBER	
7. IN CASE/MATTER OF (Case N	ame)	8. PAYMENT CATEGORY X Felony □ Petty O	Offense	9. TYPE I				ESENTED Appellan		ESENT istructi	ATION TYPE	3
US V DOE		☐ Misdemeanor ☐ Other ☐ Appeal	Jilense	☐ Juver ☐ Othe	nile D			☐ Appellee	,		Case CC	
11. OFFENSE(S) CHARGED (Cite	U.S. Code.	, Title & Section) If more than one offer	fense, list (ffenses	s ch	arged, according to	severity of o	fense.		
18 USC 922(g)(2) Felon in	_											
AA AMMO DAYAYAA AMAA MAAAAA		REQUEST AND AUTHOR	RIZAT	ION FO	R EX	XPE	RT	SERVICES				
		named above, I hereby affirm that the serven. Estimated Compensation \$ e paid for by the United States pursuant to								service	s in excess of \$	300,
	el attorney si					1.0		Date	00/00/0000			_
	Panel Atto st Name, M	rney	Pro-S			al Orga	ıniza	tion				
Be sure to fill in name and ac	ldress											
				Telepho	ne N	lumbe	er:	(612) xxx-x	XXX		
13. DESCRIPTION OF AND JUST	IFICATION	N FOR SERVICES (See Instructions)		1	_		_	SERVICE PROVI	DER			
Factual investigation for de	efense pur	poses.			01 02 03		Inte	stigator preter/Translator chologist		16	•	Analyst
					04		Psyc	hiatrist		_	Computer (F	Hardware/
15. COURT ORDER					05 06			graph uments Examiner		19	Software/S Paralegal Se	
authorization requested in Item 12 is	s hereby gran		sfaction, the	;	07 08		_	erprint Analyst ountant		20 <u> </u>	Legal Analy Jury Consult	st/Consultant tant
Signature of Presiding Judge or By 0			09 10		Che	R (Westlaw/Lexis, e mist/Toxicologist		22 <u> </u>	Mitigation S Duplication	specialist Services		
Date of Order		Nunc Pro Tunc Date			11 13			istics pons/Firearms/Explo	sive Expert	24 🗆	(See Instru Other (Speci	
Repayment or partial repayment ord YES x NO	ered from th	ne person represented for this service at tir	me of autho	orization.	14		Path	ologist/Medical Exar	niner	_		
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17. PAYEE'S NAME AND MAILI					1,21	2.00						
Blue Moon Detective Agency 123 Main Street				Т	IN:		41	-xxxxxx				
Anywhere, MN 55415				т	.11		. T	-1	((12)			
				1	eiepi	none l	Nun	nber:	(612) x	xx-xx	XX	
CLAIMANT'S CERTIFICATI	ON FOR P	PERIOD OF SERVICE FROM	m	m/dd/yyyy				то	m/dd/yyyy		_	
CLAIM STATUS	K Final	Payment Interim Payment N	Number _					□ S	upplemental	Payme	nt	
	is for servic	ces rendered and is correct, and that I have	e not sough	t or received j	payme	nt (con	npen	sation or anything of	value) from a	ny othe	r source for the	ese
services.												
Signature of Claimant/Payee	Expe	ert signs here						Date _	m	m/dd/	'yyyy	
18. CERTIFICATION OF ATTORN	NEY I here	eby certify that the services were render	ered for this	case.								
Signature of Attorney Atto	rney sign	s here						Date	m	m/dd/	уууу	
		APPROVED FOR PA	AYMEI	NT — CO	OUR	T U	SE	ONLY				
19. TOTAL COMPENSATION	20.	TRAVEL EXPENSES		ER EXPENS			~	22. TOTAL A	MOUNT AP	PROV	ED/CERTIFIE	ED
☐ Prior authorization was not o	btained, bu	these services does not exceed \$300, or it in the interest of justice the Court find	-				nece	essary services could	l not await pr	ior aut	norization, eve	n though
the cost (excluding expenses	, exceeds \$	300.										
·		residing Judge		1	Da	te					ge Code	
24. TOTAL COMPENSATION	25.	TRAVEL EXPENSES	26. OTH	ER EXPENS	SES			27. TOTAL A	MOUNT AP	PROV	ED	
28. PAYMENT APPROVED IN EX	CESS OF	THE STATUTORY THRESHOLD UN	NDER 18 U	U.S.C. § 300	6A(e)	(3)						